

A man should never be ashamed to own that he has been in the wrong, which is but saying that he is wiser today than he was yesterday.—Edna Lyall.

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EVIDENCE IN BRADLEY CASE IN AN ARGUMENT TODAY

Prosecution Shot its Fiercest Bolt When Two Experts Declared the Prisoner Sane When She Shot Brown.

Rev. Dr. David Utter, Known as "The Priest" During the Trial, Did Defendant's Case No Harm.

(Special to The Herald.)
Washington, D. C., Nov. 29.—Judge Stafford took steps this afternoon to expedite progress in the Bradley case and the end of the trial is in sight. Instead of the usual Friday to Monday adjournment the judge ordered that a session of court be held tomorrow when arguments will be commenced, which will occupy tomorrow's and Monday's session, permitting the case to go to the jury Monday evening.

Really Helped Mrs. Bradley.
Today's session was enlivened by the testimony of Rev. David Utter, brought here from Denver against his will by the prosecution, to rebut Mrs. Bradley's statement that she had not told her pastor that she would kill Brown. Dr. Utter recalled threats but the importance of his story dwindled when he said that after Mrs. Bradley made them he said to her: "Why, you wouldn't kill him, would you?"

To which she replied: "Of course I wouldn't."
After he was excused from the stand Dr. Utter took a chair near Mrs. Bradley, greeted her in a kindly manner and talked with her for some time.

Government Experts.
The alienists for the government, Drs. Brush and Jelliffe, testified diametrically opposite to alienists for the defense in their answers to hypothetical questions propounded with a view to determine Mrs. Bradley's sanity. It transpires that Dr. Brush runs a rival sanitarium to Dr. Hill, who testified for the defense, and that Dr. Jelliffe is a rival of Dr. Evans, who spoke so strongly for Mrs. Bradley. Judge Powers took care to bring prominently to the attention of the jury that the government alienists were working for pay, \$100 a day each, while the alienists for the defense offered their services without hope of compensation.

TWO GOVERNMENT EXPERTS TESTIFY AS TO THE SANITY OF MRS. ANNIE BRADLEY

Washington, Nov. 29.—Two government experts testified today in the trial of Mrs. Annie M. Bradley, charged with having killed former Senator Arthur M. Brown of Utah last December. They were Edward M. Brush of Baltimore and Dr. Smith Ely Jelliffe of New York. Dr. Brush testified that Mrs. Bradley was sane when she shot Senator Brown. He said he could find nothing in her family history, her acts or her physical or mental condition to suggest that she was insane at that time.

Dr. Jelliffe declared the defendant was sane at the time she shot Brown, and was conscious of her act.

Rev. Dr. David H. Utter, Mrs. Bradley's pastor, who has been referred to in the testimony as "the priest," testified concerning conversations he had with the defendant in Salt Lake when she told him that Senator Brown would marry her if he faced a pistol, but she did not say she would shoot him; she spoke as if some one else would force him to marry her.

When Mrs. Bradley came into court she looked about curiously, appearing to take special interest in nothing the large number of women present.

Formerly she has entered the room with downcast eyes and made her way to her chair without noticing anyone. Before the trial was begun little Arthur Brown, Mrs. Bradley's son, was brought to the court house to see his mother.

Prayers of the Prosecution.
On the opening of court District Attorney Baker submitted the prayers of the prosecution to the court, saying they did not cover the points of murder in the first or second degrees, and that he would prefer leaving the matter to be covered by the judge in the instructions to the jury. The prayers of the defense will be submitted later. The government prayers are as follows:

"First—The jury are instructed that a sane person has no right to kill another, no matter how much he may matter how much reason the person doing the killing may have for hating and despising that person, no matter how wild may be the anger and passion under which the person may be laboring. The law does not recognize the theory that any person may have an irresistible impulse to do such an act as that unless the impulse is the product of a diseased mind.
"The jury are further informed none

After the submission of all of the testimony the attorneys for both sides of the case submitted prayers to the court for instructions to the jury.

The government asked for instructions to be given upon points of which the court allowed five outright, three in modified form and one was refused. Defense submitted thirteen, of which eight were granted, three modified and two were refused. The instructions as they will go to the jury follow the usual technical lines.

Some significance is attached to one point submitted by the prosecution which recites that should the jury find that Brown came to his death through the accidental or unintentional discharge of the revolver, the defendant should be found guilty of manslaughter.

One Point Refused.
The court refused to grant one point submitted by the prosecution reciting that a morbid state of affection or passion or any unsettling of the moral system, the mental faculties remaining in normal condition, is not a form of insanity the law recognizes as a valid excuse for a criminal act.

"The court modified the point submitted by the defense as to the weight to be given the confession made by defendant to the police officers.

Arrangements for Argument.
The arrangements for argument provide for four hours for each side. At tomorrow's session Attorney Turner will open for the prosecution and Attorney Hoover for the defense. On Monday Attorneys Wells and Powers will speak for the defense and District Attorney Baker will close for the government.

The case is expected to go to the jury early in the afternoon evening and verdict is confidently looked for without delay.

of the evidence offered tending to show the treatment of this defendant by Arthur Brown can be considered by them to justify, excuse or palliate her act.

Law on Insanity.

"Second—The jury is instructed as a matter of law, that insanity, as an excuse for a criminal act, is a disease of that organ of the human body wherein reside the faculties of intellect and of volition—the brain—and that a morbid state of the affections or passions or an unsettling of the moral system, the mental faculties remaining meanwhile in a normal condition, is not such a form of insanity that the law recognizes as a valid excuse for a criminal act.

"Third—The jury are instructed as a matter of law, that if they find from the evidence, beyond a reasonable doubt, that up to the time of committing the crime charged in the indictment the defendant was sane, and shall further find beyond a reasonable doubt that immediately thereafter the defendant was sane, then it is strong presumption that the defendant was sane at the time of the commission of the crime charged in the indictment.

Evidence of Mistreatment.

"Fourth—The jury are instructed that all evidence of the mistreatment of the defendant by Arthur Brown whether by word or act, whether testified to by the defendant or other witnesses was admitted solely as bearing on the sanity or insanity of the defendant at the time of the shooting, and is not to be considered by the jury in any other way.

"Fifth—The jury are instructed that if they believe from the evidence beyond a reasonable doubt that the defendant threatened and menaced the deceased with a loaded pistol for the purpose of compelling him to marry, or for any other purpose, and while so threatening and menacing the deceased said pistol was unintentionally or accidentally discharged and the deceased received injury therefrom, or of which he died, the jury should find the defendant guilty of manslaughter."

Shute's Latest Opinion.
Dr. D. H. Shute, who began his testimony Wednesday, resumed the stand and on cross-examination reiterated his statement that in his opinion Mrs. Bradley was not insane. The defense sought to contradict the witness by a previous statement made to them that Mrs. Bradley was not mentally responsible, but on objection by the government the statement was not admitted.
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WHEN SECRETARY TAFT VISITS WITH THE LITTLE FATHER OF RUSSIA



He Walked Right in and Turned Around



And Walked Right Out Again.

WITNESS GIVEN POISON IN FOOD

Trinidad Vasquez, Summoned to Testify Against Villareal, Has Close Call for Life.

Los Angeles, Cal., Nov. 29.—Said to be in daily fear of being killed since his arrival here Monday, Trinidad Vasquez, a secret service officer in the employ of the Mexican government, the chief witness for the government in the cases of Magon, Villareal and Rivera, alleged Mexican revolutionists, was poisoned at noon today.

Vasquez was chatting with Thomas Furlong, a detective who trailed the alleged revolutionists across the country, when he suddenly threw up his hands and fell in front of central police station. It was thought that he was having an attack of epilepsy, but police surgeons, when he was carried into the receiving hospital, found that he had been poisoned. They have not as yet had time to determine the nature of the poison, but they found symptoms of strychnine poisoning. It is supposed if he was fully poisoned that it was given to him in his food this noon. Detective Furlong has been accused of keeping the secret service officers continually in his sight as he feared an attempt upon his life.

Word flew to the federal court when it was known that Vasquez was suffering with poison. Oscar L. Lawler, United States district attorney, accompanied by representatives of the United States marshal's office, ran to the hospital. Vasquez will recover.

LITTLE CHILD ASSAULTED

Sugar City, Ida., the Scene of Fiendish Crime—Officers Have Description of Guilty Man.

(Special to The Herald.)

Rexburg, Ida., Nov. 29.—A 12-year-old girl, named Conish, was assaulted by some unknown fiend Thursday morning at Sugar City. The culprit is supposed to be one of the factory employees. The little girl made her way home as rapidly as possible and notified her parents. From the description given by the girl the officers think they will be able to locate the guilty party in the near future.

George E. and Warren Liljenquist, also A. Allen, all of Hyrum, Cache county, Utah, are spending a few days with relatives and friends in Rexburg. Miss Ozula Atkinson has returned from a pleasant visit to Richmond, Utah.

Mrs. H. H. Hale, wife of Instructor Hale of the academy, returned from Rockland, Ida., where she was called on account of her aged father's illness. Miss Lou Thatcher of Logan is here visiting with her brother, Ron Thatcher.

Deputy Sheriff M. R. Cahoon was in town this week on business.

There are between 4,000 and 5,000 tons of beets piled up at the Rexburg depot.

TAFT'S MOTHER DYING.

Milbury, Mass., Nov. 29.—Mrs. Louisa Taft, mother of the secretary of war, is falling every day, according to a statement made by a member of her household today. Mrs. Taft has been ill for many months, and last night it was said that her illness had taken a serious turn.

MINE OWNERS HAVE BIG KICK

Smelters Won't Buy Goldfield Ore and the Properties Have Closed Down.

(Special to The Herald.)

Goldfield, Nev., Nov. 29.—The directors of the chamber of commerce of Goldfield have decided to call a mass meeting at which a committee will be appointed to confer with President Roosevelt concerning the smelter situation. Similar organizations at Tonopah, Reno, Rhyolite and other towns will be asked to join in the meeting.

The smelters have refused to take any more gold ore from Nevada camps at a time when the country is crying for gold. Because of their action and the consequent inability of the mining employees to pay their employees in currency the mines and leases of Goldfield, which are capable of producing gold at the rate of \$2,000,000 a month, are unable to operate their mines. There was never before in the history of gold mining a time when gold ore could not be sold. The operators of Nevada think there is something wrong in this country and propose to make an effort to remedy it.

KEEPING THE MATTER DARK

Idaho State Officials Decline to Make Statement Concerning Investigation in Progress.

(Special to The Herald.)

Boise, Ida., Nov. 29.—The state officials who are members of the state land board decline to make a statement respecting the irregularities in the Onida county irrigation project. They admit an investigation is in progress, but say the developments so far indicate the case is not so bad as has been represented to them. Governor Gooding and Attorney General Gibson both made statements of that tenor today, and both declined to give any details, saying any announcement would be premature and might reflect upon persons innocent of wrong-doing.

TURNED OVER TO THE CITY

Marble Fountain Provided for in the Will of Philo Bennett, Dedicated at New Haven.

New Haven, Conn., Nov. 29.—A marble fountain bearing the simple inscription, "Philo Sherman Bennett Gave This to the City," and erected on the green very close by the old pump, a town landmark, was dedicated today and handed over to the custody of the city. The gift was provided for in the will of Mr. Bennett, who was a New York merchant, but a lifelong resident here, and whose will was administered by William Jennings Bryan, a close friend.

Mr. Bryan presented the fountain to the city during the exercises on the green, Mayor John D. Studley receiving the gift in behalf of the city.

The fountain is of pure white Vermont marble, of Grecian design with an ornate canopy supported by six pillars, based on the general proportions of the Choric monument of Lysistrates near the Acropolis. Professor Weir of the Yale art school directed the work, and the cost was about \$10,000.

ONLY A MATTER OF A FEW DAYS

Chicago Banks Working Toward Resumption of Specie Payments in Windy City.

Chicago, Nov. 29.—The report that Chicago banks will resume currency payments was discounted by members of the Chicago clearing house committee tonight. John J. Mitchell, president of the Illinois Trust & Savings bank, and a member of the committee, said:

"The announcement is a bit premature. We have set no formal date for the resumption of specie payments, because we are waiting for replies to the 5,000 circular letters which we sent to bankers of the west and middle west ten days ago. Thus far some 2,000 return letters have reached me, and the tone of these is so uniformly encouraging that it is safe to say that currency payments will be resumed soon. The exact date, however, has not been determined."

On other sources it was learned that the clearing house has started arrangements for a return to normal conditions in about ten days. The approach of the holiday season and the fact that several large industrial concerns have been compelled to defer dividend payments until the banks will agree to handle large currency transactions have caused the bank leaders to redouble their efforts to terminate present methods. Progress has already been made toward this end, the Chicago clearing house having begun to cancel some of its certificates as are returned to it from day to day.

JURORS IN GREAT DEMAND

Sheriff Scouring the Country Around Boise to Fill Special Venue in Pettibone Case.

Boise, Ida., Nov. 29.—Sheriff Shad Hodgkin and deputies this morning began scouring Ada county to fill the special venue ordered by Judge Wood in the Pettibone case. Attorneys for the state and defense are putting in the day getting information on the jurors who were passed for cause by the prosecution at Wednesday's session. James McFarland, chief of the western Pinkerton agency, arrived in Boise last night and will be here throughout the trial. His arrival proves false the report that the state would do without the services of the Pinkertons in this case. John F. Nugent, one of the attorneys for the defense, is seriously ill and may not be able to take part in the trial.

TELLER AND CURTIS ADVISE PROSECUTION

Washington, Nov. 29.—Senators Teller of Colorado and Curtis of Kansas made an earnest recommendation to the president today that prosecutions be commenced at once in behalf of certain members of the Indian tribe in Oklahoma known as the Kicking Kickapoo. An investigation just completed by these senators leads them to believe that the Indians have been robbed of land to the value of \$250,000 by syndicates operating in Oklahoma.

FRENCH ACQUITTED.

Beatville, Ky., Nov. 29.—B. Fulton French, accused of complicity in the assassination of James B. Marcum, has been acquitted.

YOUNG THUG SHOT DEAD WHILE BEATING OFFICER

Patrolman J. M. Lyon Kills Joe Smith in Lone Star Saloon to Save Himself From Serious Injury.

Policeman Prostrate Under Blows of Assailant When Fatal Shot Is Fired, Removing Terror of the Tenderloin.

Joe Smith, a notorious character of the under world, was shot and killed by Policeman John M. Lyon last night at 9:45 o'clock in the Lone Star saloon, 60 South West Temple street. It was a swift and sudden ending of a bad career, such as had often been predicted. Smith had earned the sobriquet of "Fighting Joe," chiefly through his exploits in attacking policemen. He was also a terror to his associates of the tenderloin.

Smith first attracted the attention of the police about ten years ago. Since that time he was arrested a number of times for various petty offenses and served one term for burglary in the state penitentiary. He pretended to be a peddler, but spent his time chiefly with disreputable women, from whom he extorted their earnings. Where he came from the police were never able to learn.

He was a giant in strength and several members of the police force last night recalled desperate struggles they had had with "Fighting Joe."

Policeman Lyon, who fired the fatal shot, has been on the force for about two years. Before that he was for a number of years employed by the Utah Light & Railway company. He lived at 1044 South Ninth East street.

A Desperate Struggle.

The struggle which resulted in Smith's death grew out of Policeman Lyon's attempt to place "Fighting Joe" under arrest. The policeman was detailed to investigate the theft of a valise from a West Temple lodging house and first entered the Lone Star saloon about 9 o'clock last night in search of a man named Bobby Laws. He found Smith standing at the bar and asked him if he had seen Laws. Smith replied that Laws was in another saloon.

After shooting Smith, Policeman Lyon hurried to police headquarters and reported what had happened to Chief Pitt and Captain Burdick. They at once sent for all the men who had witnessed the killing and, after a careful inquiry into the facts, came to the conclusion that the policeman was entirely justified in the use of his weapon. After the investigation, Policeman Lyon was sent home.

Statements of Witnesses.

In his statement of the occurrence, last night, Riley Mio, the bartender, substantiated the story told by the policeman.

"Smith was the toughest man I ever saw in all my life," said Mio. "Early in the evening he came into the saloon and created a row over a glass of beer. As we knew that he was a dangerous man, we let him have his way, knowing that to be the only way of avoiding trouble."

"After he had knocked the policeman down, Smith commenced to beat him savagely. The policeman called for help. Thinking that Lyon was in danger, I picked up my revolver from beneath the counter and, after a careful inquiry into the facts, came to the conclusion that the policeman was entirely justified in the use of his weapon. After the investigation, Policeman Lyon was sent home."

Smith's Threatening Gesture.

"When they came into the barroom together, Smith seemed to be in an ugly mood and turned away from the policeman, saying that he would not go with him to the station. The policeman followed him up after him."

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Mr. Dooley Talks About Football

Peter Finley Dunne, whose delightful humor has made his name known wherever the English language is read, will have another of his humorous, philosophical dissertations in The Sunday Herald tomorrow. Mr. Dooley will discuss football. Some other features of the paper will be:

"In the Name of the Most High," a short story, by Robert W. Chambers.

"Nelson W. Aldrich," a character sketch, by Savoyard.

The funniest supplement, in colors, that is printed anywhere.

Franklyn Fyles on the new plays being presented in New York.

"The Episode of the Arrest of the Colonel," a short story, by Grant Allen.

"The Hotel Clerk and the Weaker Sex," by Irving S. Cobb.

Professor Paul's article in the nature study series.

"The Chloride Hold-up," a short story, by Harry Irving Greene.

Martin's Hand Cart company reminiscences, by Josiah Rogerson.

Society pages, sporting pages and many other special features; besides All the news from everywhere.

EYEWITNESS OF THE MURDER

Georgetown, Ky., Nov. 29.—At the afternoon session of the Caleb Powers trial, R. H. Berryman, the third witness introduced, was an eyewitness of the tragedy, and his testimony was the sensation of the day's proceedings. The witness said he was entering the state house ground when he saw Senator Goebel and Colonel Jack Chinn walking a short distance in front of him. He heard a shot, which, he said, apparently came from the window of the secretary of state's office.

The defense sought to mitigate the effect of the testimony as to the place from which the shot was fired which killed William Goebel by a statement to the effect that, while not wishing to curtail the volume of testimony to be introduced by the prosecution, yet to save time, the defense would be willing to admit that the fatal shot was fired from the office of the secretary of state; admit that the bullet lodged in a tree, and admit the nature of the wound and that Goebel died of it.